

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JUSTIN DUFOE, on Behalf of Himself and All
Others Similarly Situated,

Plaintiff,

v.

DRAFTKINGS INC., JASON D. ROBINS,
JASON K. PARK, and MATTHEW KALISH,

Defendants.

Case No 23-cv-10524-DJC

CLASS ACTION

**NOTICE AND REVISED JOINT STIPULATION AND PROPOSED ORDER
REGARDING TIME TO ANSWER OR OTHERWISE PLEAD**

WHEREAS, on April 17, 2023 the undersigned filed a Joint Stipulation and Proposed Order Regarding Time To Answer Or Otherwise (ECF No. 5);

WHEREAS, on April 19, 2023, this Court issued an Electronic Order requesting counsel confer and file a notice of their proposal concerning the time frame for appointment of lead plaintiff and a further schedule;

WHEREAS, Plaintiff commenced this Action by filing a complaint dated March 9, 2023 (the “Complaint”) (ECF No. 1). Plaintiff served Defendant DraftKings Inc. on March 27, 2023 (ECF. No. 4);

WHEREAS, the Complaint asserts federal securities claims arising under the Securities Act of 1933 and Securities Exchange Act of 1934 and is governed by the provisions of the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), 15 U.S.C. § 78u-4;

WHEREAS, on March 9, 2023, the law firm Kirby McInerney LLP published a notice on Globe Newswire alerting investors to the pendency of this action and the claims asserted therein

and informing them of the 60-day deadline to seek appointment as Lead Plaintiff. (the “Notice”)¹;

WHEREAS, consistent with Notice and provisions of the PSLRA, the deadline for movants to file motions for appointment for lead plaintiff is May 8, 2023; and

WHEREAS, in compliance with the Court’s April 19, 2023 Order, the parties have agreed to a revised schedule that extends Defendants’ time to respond to the Complaint until after a Lead Plaintiff has been appointed and an amended or consolidated complaint has been filed.

IT IS HEREBY STIPULATED AND AGREED among the undersigned parties, subject to the Court’s approval, as follows:

1. Without waiving any rights, defenses or other objections, undersigned counsel for Defendants is authorized to and has waived service of the Complaint on behalf of all Defendants;
2. Defendants shall not be required to answer or otherwise respond to the Complaint;
3. Any movants seeking to be appointed lead plaintiff under the PSLRA must move on or before May 8, 2023; and
4. Within fourteen (14) days following entry of an order by the Court pursuant to the PSLRA selecting a Lead Plaintiff(s) and appointing Lead Counsel, counsel for Defendants and Lead Counsel shall confer and submit a proposed schedule for the filing of an amended complaint and Defendants’ response thereto.

¹ The PSLRA establishes the procedure for the appointment of a lead plaintiff in “each private action arising under [the Act] that is brought as a plaintiff class action pursuant to the Federal Rules of Civil Procedure.” 15 U.S.C. § 78u-4(a)(1). First, the pendency of the action must be publicized in a widely circulated national business-oriented publication or wire service “[n]ot later than 20 days after the date on which the complaint is filed.” 15 U.S.C. § 78u-4(a)(3)(A)(i). This notice must advise class members of: (i) the pendency of the action; (ii) the claims asserted therein; (iii) the proposed class period; and (iv) the right to move the court to be appointed lead plaintiff within 60 days of the notice’s publication. *Id.*

Dated: April 20, 2023

BERMAN TABACCO

/s/ Patrick T. Egan

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Co-Counsel for Plaintiff

IT IS SO ORDERED.

DATE: _____

Respectfully submitted,

**WILMER CUTLER PICKERING
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/s/ Michael G. Bongiorno

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HON. DENISE J. CASPER
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, Patrick T. Egan, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on April 20, 2023.

Dated: April 20, 2023

/s/ Patrick T. Egan

Patrick T. Egan